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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-879

13 **LISA ANN RICE, AKA**
14 **LISA ANN HAIRSTON**
1025 Rosemary Lane, #C-8
Stockton, CA 95207
Registered Nurse License No. 419734

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about October 31, 1987, the Board issued Registered Nurse License Number
24 419734 to Lisa Ann Rice, also known as Lisa Ann Hairston ("Respondent"). The registered nurse
25 license was in full force and effect at all times relevant to the charges brought herein and will
26 expire on October 31, 2011, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

- (c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Conviction)**

8 8. Respondent has subjected her license to discipline pursuant to Code section 2761,
9 subdivision (f) in that on or about February 20, 2009, in the Superior Court, County of
10 Sacramento, California, in the matter entitled *People vs. Lisa Ann Rice*, 2008, Case No.
11 08M07859, Respondent was convicted following her plea of no contest of a violation of Vehicle
12 Code section 23152, subdivision (a) (driving under the influence of alcohol or drugs), a
13 misdemeanor, with a prior DUI conviction in or about 2006 in case No. 6T00358; Health and
14 Safety Code section 11550, subdivision (a) (under the influence of the controlled substances
15 Cocaine and Methadone), a misdemeanor; and Vehicle Code section 14601.1, subdivision (a)
16 (driving when her driving privilege had been suspended for a failure to appear notice regarding
17 the previous DUI), a misdemeanor. The circumstances of the crime are that on or about June 9,
18 2009, following a traffic stop, Respondent was arrested for driving under the influence of drugs.
19 Respondent's drug screening was positive for the controlled substances Cocaine and Methadone.
20 Such conduct is substantially related to the qualifications, functions, and duties of a licensed
21 registered nurse.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Conviction of a Crime Involving Controlled Substances)**

24 9. Respondent has subjected her license to discipline pursuant to Code section 2761,
25 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
26 subdivision (c), in that Respondent has been convicted of a crime involving the consumption of
27 controlled substances, as more particularly set forth in paragraph 8, above.

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2 **THIRD CAUSE FOR DISCIPLINE**

3 **(Self-Administer Controlled Substances)**

4 10. Respondent has subjected her license to discipline pursuant to Code section 2761,
5 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
6 subdivision (a), in that on or about June 9, 2009, Respondent self-administered the controlled
7 substances Cocaine and Methadone.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Use Controlled Substances to an Extent or in a Manner Dangerous or Injurious)**

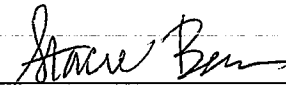
10 11. Respondent has subjected her license to discipline pursuant to Code section 2761,
11 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
12 subdivision (b), in that on or about June 9, 2009, Respondent used the controlled substances
13 Cocaine and Methadone to an extent or in a manner dangerous or injurious to herself or others, as
14 more particularly set forth in paragraphs 8, 9, and 10, above.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Revoking or suspending Registered Nurse License Number 419734, issued to Lisa
19 Ann Rice, also known as Lisa Ann Hairston;
- 20 2. Ordering Lisa Ann Rice, also known as Lisa Ann Hairston to pay the Board of
21 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
22 pursuant to Business and Professions Code section 125.3; and,
- 23 3. Taking such other and further action as deemed necessary and proper.
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25 DATED: 4/28/11

26 *for* 
27 LOUISE R. BAILEY, M.Ed., RN
28 Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California